

**TABLE OF PROPOSED REVISIONS TO  
ELEVENTH CIRCUIT RULES AND INTERNAL OPERATING PROCEDURES**

<b>Page</b>	<b>Circuit Rule or IOP</b>	<b>Description of Proposed Revisions</b>
37	IOP, <u>Direct Appeal</u> (following FRAP 6)	Revise IOP to conform to amendments to 28 U.S.C. § 158(d) that took effect October 17, 2005, authorizing direct appeal of a bankruptcy court decision to a court of appeals under certain circumstances.
58	Cir. R. 15.1-1, <u>Failure to Prosecute</u>	New rule to clarify that in an NLRB enforcement proceeding, when an adverse party (the party who files the first brief) fails to file or correct a brief, the Court may take such action as it deems appropriate, including entry of judgment enforcing the Board's order.
104	IOP 2, <u>Length of Amicus Brief in a Cross-Appeal</u> (following FRAP 29)	New IOP to clarify the length of an amicus brief in a cross-appeal, consistent with the Report of the Advisory Committee on Appellate Rules. [existing IOP to be numbered]
136	Cir. R. 35-8, <u>En Banc Amicus Briefs</u>	New rule providing that: (1) a motion for leave to file an en banc amicus brief is required by non-governmental parties even if all parties consent to the filing; this change may help to avoid the recusal of one or more members of the en banc court; and (2) the due date of an en banc amicus brief is the same as the due date of the principal brief of the party being supported; this change may help to avoid potential delays in scheduling oral argument, and is considered appropriate since the court publicly announces the en banc issues to be briefed. [existing Cir. R. 35-8 and 35-9 to be renumbered]

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139	Cir. R. 36-2, <u>Unpublished Opinions</u>	Revise rule to provide that a copy of an unpublished opinion cited as persuasive authority must be attached to a filing only if the unpublished opinion is not available on the internet.
163	Cir. R. 46-1(d), <u>Pro Hac Vice Admission</u> (and related form)	<p>(1) Revise rule to authorize Clerk of Court to grant pro hac vice admission in appeals not yet submitted on the merits, in such circumstances as determined by the court; for example, when an attorney has not been the subject of any disciplinary or criminal proceedings and meets all other requirements of the rules; and</p> <p>(2) Change the name of the related form, and other minor revisions, so that the form may be used as a “stand-alone” form (proposed revisions to the form are shown on the last page of the proposed rules revisions).</p>